

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

NATIONAL ELECTRICAL ANNUITY PLAN,

Plaintiff,

v.

Case No. 18-13701

HENKELS AND MCCOY, INC.,

Defendant.

/

**ORDER DENYING WITHOUT PREJUDICE DEFENDANT'S
MOTION FOR ATTORNEY FEES**

On December 4, 2019, the court entered an opinion and order granting Defendant's motion for summary judgment and entered judgment in favor of Defendant. (ECF No. 39.) On January 2, 2020, Defendant filed a motion for attorney fees, which is currently pending before this court and fully briefed. The same day Defendant filed its motion, Plaintiff filed a notice of appeal to challenge the court's dispositive motion ruling. The appeal is currently pending before the Sixth Circuit.

The Sixth Circuit's ruling has the potential to redefine the landscape of this suit and may impact the grounds for attorney fees raised in Defendant's motion. Thus, the court will deny without prejudice Defendant's motion but will entertain refreshed motions for attorney fees, if may be appropriately presented, after the Sixth Circuit issues its mandate in this case. Accordingly,

IT IS ORDERED that Defendant's motion for attorney fees (ECF No. 41) is

DENIED WITHOUT PREJUDICE.

s/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: January 29, 2020

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, January 29, 2020, by electronic and/or ordinary mail.

s/Lisa Wagner
Case Manager and Deputy Clerk
(810) 292-6522

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